2/17/09 11:04:45 BK 603 PG 23 DESOTO COUNTY, MS W.E. DAVIS, CH CLERK

Current Borrower: B&H File Number:

Marvin Smith 259484

Loan Type:

CONV UNINS

Property Address:

1760 Thomas Street, Horn Lake, MS 38637

Indexing Instructions: LOT 31, SECTION A, RIVER OAKS SUBDIVISION, IN SECTIONS 2 & 3, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI

SUBSTITUTE TRUSTEE'S DEED

Grantor: James L. DeLoach, Substitute Trustee Grantee: Hanna Homes, LLC. Kim & David Hanna

WHEREAS, on September 6, 2005, Marvin Smith, and Tyanne Smith, executed a deed of trust to ReconTrust Company, N.A, Trustee for the benefit of Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc., which deed of trust is recorded in Deed of Trust Book 2304 at Page 534 in the office of the Chancery Clerk of Desoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-10, by instrument dated June 6, 2008, and recorded in Book 2,928 at Page 320 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid, THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-10, the holder of said deed of trust and the note secured thereby, substitute James L. DeLoach, as Trustee therein, as authorized by the terms thereof, by instrument dated October 2, 2008, and recorded in the office of the aforesaid Chancery Clerk in Book 2956 at Page 79; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-10, having requested the undersigned Substitute Trustee to execute the trust and sell land and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substitute Trustee's fees and expense of sale;

WHEREAS, the undersigned Substitute Trustee, after posting and publication of the Notice of Sale as required by the terms of said deed of trust and laws of the State of Mississippi, within legal hours (being

BH # 259484/457

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between the hours of 11:00 A.M. and 4:00 P.M.), on February 5, 2009, at public outcry offered the hereinafter described property for sale at the East front door of the County Courthouse, in Hernando at Desoto County, State of Mississippi;

WHEREAS, the Proof of Publication, Affidavit of Posting and the Memorandum of Sale have been prepared and executed to verify all aforesaid events. Said items are attached as proof thereof;

WHEREAS, at the time and place aforementioned, the undersigned received from the hereinafter named grantee a bid of \$72,250.00 which was the highest bid for cash for said land and property, and said bidder was then and there declared to be the purchaser thereof;

NOW, THEREFORE, in consideration of the aforesaid sum, cash in had paid, the receipt whereof is hereby acknowledged, the undersigned does hereby and convey to Hanna Homes, LLC. Kim & David Hanna the following described real estate, together with all the improvements and appurtenances thereunto belonging, situated in the County of Desoto, State of Mississippi, to-wit:

Lot 31, Section A, River Oaks Subdivision, In Sections 2 & 3, Township 2 South, Range 8 West, Desoto County, Mississippi, As Per Plat Thereof Recorded In Plat Book 57, Page 17, In The Office Of The Chancery Clerk Of Desoto County, Mississippi.

I hereby convey only such title as is vested in me as Substitute Trustee.

WITNESS MY SIGNATURE, this, the ______

Aguer Ralf 8ail

SUBSTITUTE TRUSTEE Butler & Hosch, P.A.

13800 Montfort Drive, Suite 300

Dallas, Texas 75240

Telephone No.: (972) 233-2500

STATE OF TEXAS)	
)	ACKNOWLEDGMENT
COUNTY OF DALLAS)	

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state of aforesaid, James L. DeLoach, Substitute Trustee, who acknowledged to and before me that he executed the foregoing Substitute Trustee's Deed on the day and year therein mentioned, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this, the 6th day of



Notary Public

My Commission Expires: 8-39-09

GRANTOR'S NAME, ADDRESS AND PHONE NUMBER:

James L. DeLoach Butler & Hosch, P.A. 13800 Montfort Drive, Suite 300 Dallas, Texas 75240 (972)-233-2500

GRANTEE'S NAME, ADDRESS AND PHONE NUMBER (Send Tax Statements to this address): Hanna Homes, LLC P.O. Box 678 Hernando, MS 38632 (901)-268-9181 Kim & David Hanna

THIS DOCUMENT PREPARED BY AND AFTER RECORDING PLEASE RETURN TO: BUTLER & HOSCH, P. A.
MS Foreclosure Department
13800 Montfort; Suite 300
Dallas, TX 75240
(972) 233-2500

BH # 259484/457

Current Borrower:

MARVIN SMITH AND TYANNE SMITH

B&H File Number:

259484 CONV UNINS

Loan Type: Property Address:

1760 Thomas Street, Horn Lake, MS 38637

Affidavit of Mortgagee

STATE OF

TEXAS

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COUNTY OF **DALLAS**

BEFORE ME, the undersigned authority on this day personally appeared Marilee Linker, who after being duly sworn, deposed as follows:

- "1. I am an employee of Butler & Hosch, P.A., attorney for Litton Loan Servicing, LP, as servicing agent for THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-10 at the time of the events hereinafter set forth and make this affidavit for the purpose of declaring the incidents of statutory and contractual compliance of the entity or entities set out below.
- This affidavit is made with respect to the foreclosure of that certain Deed of Trust dated September 6, 2005, recorded in Volume 2304, Page 534, Real Property Records, Desoto County, Mississippi, executed by Marvin Smith, and Tyanne Smith, to ReconTrust Company, N.A, Trustee, to secure payment of a Note to Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc.
- Hanna Homes, LLC. Kim & David Hanna is the holder of the indebtedness secured by the Deed of Trust. 3.
- To the best of my knowledge and belief, proper notice was sent prior to acceleration of indebtedness. All obligations duties of the holder of the debt were performed in the manner required by law and all notices were served on the Debtor at the Debtor's last known address as shown by the records of the holder of the debt.
- To the best of my knowledge and belief, the mortgagors holding an interest in the above described property were not members of the Armed Forces of the United States of America and had not been members of any such entities for the last three (3) months prior to the date of the Trustee's Sale and the subject hereof and were alive on the date of such sale.
- At the instructions and on behalf of the holder of the debt or its agent, notice of acceleration of indebtedness and Trustee's Sale was served on every debtor obligated on the debt, by certified and regular mail at least thirty (30) days prior to the date therein specified for sale at the last known address of each such debtor according to the records of the holder of the debt.

At the instructions and on behalf of the holder of the debt or its agent, Notice of Trustee's Sale was filed with the Chancery Clerk in the county or counties in which the subject property is signated and copies thereof posted at said courthouse(s) as required by law and in the manner specified by ordinarge custom.

FURTHER AFFIANT SAYETH NAUGHT.

STATE OF TEXAS COUNTY OF DA LLAS

Sworn to and subscribed before me, the undersigned Notary Public, on this day personally appeared Marilee Linker, who is the Legal Assistant and duly authorized agent of Butler & Hosch, P.A., on behalf of said law firm, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the

CHRISTIE M. OSBORN Notary Public, State of Texas My Commission Exp. 08-29-2009

Notary Public for the State Printed Name of Notary Public My Commission Expires:

BH # 259484/457

Current Borrower: B&H File Number: Loan Type: Property Address:

Marvin Smith 259484 CONV UNINS 1760 Thomas Street, Horn Lake, MS 38637

witness um Hanna

Indexing Instructions: LOT 31, SECTION A, RIVER OAKS SUBDIVISION, IN SECTIONS 2 & 3, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI

MEMORANDUM OF SALE

The undersigned Substitute Trustee (hereinafter "Trustee") hereby appoints
to serve as auctioneer for the purpose of conducting the
foreclosure sale more particularly described below. This appointment is subject to completion of
a satisfactory title examination (including a search for Federal Liens) and the performance of all
duties in conformity with Trustee's instructions. All third party bids are subject to confirmation
by Trustee prior to sale. Right is reserved by Trustee to reject any bid or to withdraw the property
from auction prior to final sale. All sales are subject to review and confirmation by the Trustee,
prior to conveyance. The undersigned Trustee reserves the right to reject any bid and to decline
to convey the subject property due to mistake (including but not limited to an error in the bid
amount), inadequacy of funds, title defects or lack of notice to the IRS, or for any other
reasonable cause. If Trustee elects to reject a bid, the funds tendered by the successful bidder will
be promptly returned, and the property will be re-advertised for sale at a subsequent date.

Upon confirmation by the Trustee, Trustee will convey only such title as is vested in him. No representations are made concerning title to the subject property of the fitness or merchantability of the same. It is the purchaser's sole responsibility to examine and investigate the title to the property and any related issues, and it shall be the purchaser's responsibility to resolve any issues relating to other liens, taxes or other title problems or issues affecting the subject property. The property will be conveyed without warranty of any kind, it being understood that the property is being sold "as is". The form of conveyance will be that of a Substituted Trustee's Deed, which is in the nature of quitclaim deed.

WITNESS MY SIGNATURE, on this 50 day of Lucy, 2009

B&H 259484 / 904

B&H 259484 / 904

James L. DeLoach, Substitute Trustee
Butler & Hosch, P.A.

13800 Montfort Drive, Suite 300

Dallas, Texas 75240 Telephone No.:(972) 233-2500

RESULTS OF SALE:		
DEED OF TRUST FORECLOSED:	BOOK 2304 PAGE 534	
DATE & TIME OF SALE:	February 5, 2009, AT 12:15 A.M.P.M	
AMOUNT OF HIGHEST BID:	\$ 72,251.00	
CONVEY TO:	Hanna Homes, LLC.	
	P.O. BOX 678	
	Hernando, MS 38632	
	PHONE: 901-268-9181	
The undersigned acknowledged	d having read the terms of the auctioneer's appointment	
and conditions of sale set forth above, and further acknowledge that all bids are subject to		
approval by the Trustee prior to convey	rance, and the sale may be set aside by the Trustee and the	
funds tendered returned to the bidder, it	f these conditions are not satisfied.	
WITNESS OUR SIGNATURE	S, on this 5th day of Feb,	
20 69 .		
AUCTIONEER Cotto	_ um Hanna	
Printed Name: Shame Crof	Printed Name: KIM HANNA	
Vinn Hamme		
HIGHEST BIDDER Printed Name: KIM Hanna	WITNESS	
rimed Name: NITT IMPTIM	Printed Name:	



PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the CLERK of the DeSoto Times-Tribune, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper _____ consecutive times, as follows, to-wit:

SUBSTITUTE TRUSTEE'S	1111	~
WHEREAS, on Semerator 6	Volume No	2000
2005, Marvin Smith, and Typing Smith symulating a dead		, 2009
of trust to ReconTrust	Volume No. <u>//4</u> on the <u>22</u> day of	
Company, N.A. Trustee for the benefit of Mortgage Electronic	day of	2009
Registration Systems, Inc. as nominee for Countrywide		<i> </i>
LIGHT CORNE, N.C., WINDH GERAL	VUIDITIE IND. // On the / 3/ / day at	C ann
of trust is recorded in Deed of Trust Book 2304 at Page 534	day of	, 2009
Clerk of the County of Desoto, State of Mississippi; and	Volume No on the day of	
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Charcery Clerk; and WHEREAS, the storesaid, THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS. GWI INC. ASPETEMBACKET. GCC.	Viane mts	/
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and the note secured thereby		
substituted James L. DeLoach as Trustee therein, as autho-		
rized by the terms thereof, by instrument since October 2.	A =	
2008 and recorded in the	Sworn to and subscribed before me, this 29 d	()
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at Page 78; and WHEREAS, default having been made in the terms and condi-	BY Ouder & Payara	THE IN DOUGLAS PE
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